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OFFICE OF PETITIONS

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WESTFIELD, NJ 07090

In re Patent No. 7,012,066
Issued: March 14, 2006
Application No. 09/908,955
Filed: July 19, 2001
Atty. Dkt. No.: IN01159K

:
: DECISION ON APPLICATION FOR
: PTA and NOTICE OF INTENT
: TO ISSUE CERTIFICATE OF
: CORRECTION

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)," filed March 17, 2006.

The request for reconsideration of patent term adjustment is **GRANTED**.

The above-identified application matured into U.S. Patent No. 7,012,066 on March 14, 2006. The instant request for reconsideration was timely filed March 17, 2006 in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 145 days. Applicants argue that the correct adjustment is 218 days.

A review of the application history reveals that an overall adjustment of 449 days can be attributed to the Office¹. The adjustment is reduced a total of 231 days for applicants' failure to engage in reasonable efforts to conclude prosecution².

In view thereof, the patent is entitled to an adjustment of 218 days as argued by patentees.

¹ An adjustment of 376 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1) in connection with the non-final Office action mailed September 30, 2003. A further adjustment of 73 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(4) and 1.703(a)(6) in connection with failure to issue the patent within four months of receipt of the issue fee payment.

² The adjustment is reduced 85 days in accordance with 37 CFR 1.704(b) in connection with the reply filed March 24, 2004. The adjustment is further reduced 37 days in accordance with 37 CFR 1.704(c)(8) in connection with the supplemental reply filed April 30, 2004. The adjustment is further reduced 95 days in accordance with 37 CFR 1.704(b) in connection with the reply filed December 20, 2004. The adjustment is further reduced 14 days in accordance with 37 CFR 1.704(c)(8) in connection with the supplemental reply filed January 3, 2005.

Receipt is hereby acknowledged of the required \$200.00 patent term adjustment application fee.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 218 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A. Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

CC: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7, 012,066 B2
DATED : March 14, 2006
INVENTOR(S) : Saksena, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 145 days

Delete the phrase "by 145 days" and insert – by 218 days--